

because—and I am not putting words in anybody's mouth; and I do not do damage to the truth; I have too much respect for people, even when we disagree—most of the people with whom I have spoken back in Minnesota have said a couple things.

First of all, they have said we need to do a better job of defending ourselves. Who can disagree with that? Second of all, they have said—they have not been jingoistic; and they have not said we need to bomb now—we need to do this the right away. Many of them have expressed concern that we not let terrorists define our morality and that we should take every step possible to minimize the loss of life of innocent civilians in Afghanistan, or any other country, starting with innocent children. I am proud of people in Minnesota for saying that.

People in Minnesota have also said they understand this is not going to be one military action. They know this is going to be a long struggle. They know we are going to need a lot of cooperation from a lot of other countries. They think it should be international.

Above and beyond the way people come together to support each other, I am so impressed with the way I think people are really thinking deeply about this and want us to stay consistent with our own values as a nation. I just want to say that. That is my view.

I find myself kind of on two ends of the continuum. I had a discussion with some friends who were telling me that I should speak out more about the underlying conditions and causes of this violence, this hatred and violence. I told them there is a divide between us because I cannot do that because there are no conditions or explanations or justification for the mass murder of innocent people. I do not even like to talk about war because I do not think warriors murder people. Warriors are not involved in the slaughter of innocent people; criminals are.

A second point, which now gets closer to the defense authorization bill: On economic recovery, we have to really focus on economic security. I believe, and will always believe, we should have included assistance for employees in the package we passed last Friday.

I say to the Senator from Massachusetts, when I went home to Minnesota, I heard about that. People were not bitterly angry, but they said: How could that happen to us and our families who are out of work? That has to be a priority, along with safety, to get help to employees.

I would argue, maybe it is a sequence; you can't do everything at one time. It is easier to give a speech than to actually do it. But above and beyond help for employees and employment benefits and making sure people can afford health care needs and making sure there is job training and dislocated worker funding and, I would argue, having to deal with some child care ex-

penses, I want to say one other thing. The truth is, I think we have to also think about an economic recovery package. And that should include, I say to my colleague from New Jersey, a workforce recovery package because not only are we going to need to extend the lifeline to people by way of helping them—when people are flat on their back, Government helps them; that is what Government is for—it is also true that that is part of an economic stimulus because you do not want to have a lot of people—people who work in hotels and restaurants and small businesspeople, all of whom now are really hurting—you do not want to have a whole lot of people shut down and not able to consume at all.

So we need to think about this package in broader terms as well. Finally, on the defense authorization bill, if I had my own way, there are at least a couple of provisions I wish were in it. One of them Senator LEVIN worked so hard on, and other colleagues support it. It made it clear that if President Bush requested funding for missile defense tests that violated the ABM Treaty, he would need congressional approval to spend those funds. I wanted that language in this bill in the worst way. If I had time, I would argue over and over again, but I don't want to impose my own agenda on what our country is facing right now. But we need to reorder some of our priorities, and clearly more of the money—some of the money in this bill that I don't think we need for certain items I would put into homeland defense and helping families with economic security.

I think there are a lot of threats our country is faced with that come way before a rogue nation sending missiles our way by suitcase, by boat, by plane, chemical, biological—there are lots of other threats with a much higher priority. I wish we hadn't dropped that language. I understand that the majority leader and Senator LEVIN and others made a commitment that we will come back to that language and that provision.

I believe missile defense doesn't make the world more secure; it makes it less secure for our children, grandchildren, and for all God's children. I could argue that for the next 5 hours. I don't have 5 hours.

I congratulate Senators on both sides of the aisle for the way in which we have worked together. We probably need each other as never before. There will be some sharp disagreement on policy issues—some of the issues that deal with education and health care, prescription drugs, you name it. Frankly, I am sure there will be questions many of us have as we go forward. But for right now, I want to just dissent on missile defense and say to my colleagues we need to get back to that debate. I think we are going to have to see more of an emphasis on priorities, including some of the money

from some weapons systems that are not necessary to what we are talking about now by way of our own national security and homeland defense.

I say to Senator LEVIN and others, I appreciate the additional support for the armed services, especially when they are about to go into harm's way. I want to say to every Senator that we did not do well for too many people in this package for the industry, which was necessary. I don't think the companies and CEOs were crying wolf, but we didn't help the employees, and the economic security of these working families has to be the next step, along with safety. That has to happen soon.

Finally, I believe we are going to have to have a broader workforce recovery bill as part of economic recovery legislation, as a part of how we deal with this recession in hard economic times, because there are a lot of other people who are really hurting right now. The Government should be there to help people when they are flat on their backs through no fault of their own. That is going to be a big part of our work as well.

VOTE EXPLANATION

Mr. BIDEN. Madam President, I was unable to be here for an earlier vote today. I was at the funeral of a brave young American, Aerographer's Mate Second Class Matthew Michael Flocco, whose life was one of those so tragically ended at the Pentagon on September 11. I believed it was important to be there with the family, to make sure they knew that America shares in their grief and stands ready to assist them in any way we can.

CRITICAL INFRASTRUCTURE INFORMATION SECURITY ACT

Mr. BENNETT. Madam President, yesterday Senator KYL and I introduced the Critical Infrastructure Information Security Act, CIISA, which is designed to minimize a dangerous national security blind spot by: one, protecting voluntarily shared critical infrastructure information; two, providing critical infrastructure threat analysis; and three, encouraging proactive industry cooperation.

Critical infrastructures are those key sectors such as financial services, telecommunications, transportation, energy, emergency services, and government essential services, whose disruption or destruction would impact our economic or national security. On September 11, 2001, America suffered a senseless strike, where America's commercial air space was "weaponized" and turned viciously against its financial and defense establishments in an infrastructure attack that resulted in staggering losses.

About 85 percent of the United States' critical infrastructures, telecommunications, energy, finance, and

transportation systems, are owned and operated by private companies. If our critical infrastructures are targets, it is the private sector that is on the front line. Thus, we have to think differently about national security, as well as who is responsible for it. In the past, the defense of the Nation was about geography and an effective military command-and-control structure. However, now prevention and protection must shift from the command-control structure to partnerships that span private and government interests.

The American economy is a highly interdependent system of systems, with physical and cyber components. Preventing, detecting, responding, mitigating, and recovering from attacks to these systems requires an unprecedented exchange of information. It is essential to remove unnecessary barriers that prevent the private sector from sharing information. Because in many cases, releasing sensitive information into the public domain could have extremely negative consequences for business, it is understandable why the private sector is reticent to share this information with the Government as it is not protected.

The Critical Infrastructure Information Security Act, CIISA, is intended to clear the way for increased critical infrastructure information sharing and improve threat analysis for these infrastructures. The bill seeks to increase the two-way sharing of information between the Federal Government and the private sector by first, protecting information voluntarily shared by the private sector, and second, requiring the Government to send analysis back to the private sector. It also encourages information sharing within the private sector so industry can better solve its own problems.

CIISA outlines a process by which critical infrastructure information, information which would not normally be shared due to its sensitivity, can be submitted to one of 13 designated Federal agencies with a request that the information be protected. Such a request would mean that this information will not be disclosed even in a response to a request under the Freedom of Information Act, commonly known as FOIA.

FOIA has helped make a transparent government. Initially enacted in 1966, FOIA establishes for any person, corporate or individual, regardless of nationality, presumptive access to existing, unpublished agency records on any topic. CIISA does not change FOIA in any way. In fact, it seeks to protect information which would not be in the public domain in the first place and if publicly released, could interfere with, disrupt, or compromise critical infrastructure operations. CIISA will protect voluntarily shared information without diminishing Federal transparency.

Access to information is essential to our democracy. However, it is impor-

tant to realize that the ability to make a request under FOIA does not apply only to American citizens interested in seeing what the Government is doing. Corporations, associations, foreign citizens, and even foreign governments have the same access. There are no limitations on FOIA even during times of war. Furthermore, the narrow provisions provided in CIISA are nothing new. Congress has on 40 other occasions created certain classes of information that are not subject to the Freedom of Information Act.

In order to ensure the uniform protection of voluntarily shared information, CIISA requires the Director of the Office of Management and Budget to establish procedures for the Federal agencies to receive, acknowledge, mark, care, and store voluntarily submitted critical infrastructure information. Today, there is no uniform standard of care under FOIA.

CIISA requires that information and analyses from the Federal Government be shared back with the private sector in the form of notifications, warnings, and strategic analyses. The bill requires a Federal agency receiving voluntarily submitted critical infrastructure information to make reasonable efforts to do the following: one, analyze the information; two, determine the tactical and strategic implications for such information; three, identify interdependencies; and four, consider conducting further analysis in concert with other Federal agencies. Following this analysis, a Federal agency may issue warnings regarding potential threats to: one, individual companies; two, targeted industry sectors; three, the general public; or four, other government entities. Federal agencies must take appropriate actions to prevent the disclosure of the source of any voluntarily submitted critical infrastructure information that forms the basis for any warnings.

CIISA also requires the President to designate an entity within the executive branch to conduct strategic analyses of potential threats to critical infrastructure; and to submit reports and analyses to information sharing and analysis organizations and the private sector. These analyses draw upon this information submitted to the Federal Government by the private sector, as well as information from the Federal Government, such as national security and law enforcement information. The President is also required to submit a plan for developing strategic analysis capabilities in the Congress.

When competitors work closely to address common problems, antitrust concerns always surface. Security in a networked world must be a shared responsibility. To encourage the private sector to find solutions to common security problems, CIISA provides a narrow antitrust exemption, not unlike that of the Information Readiness Disclosure Act or the Defense Production

Act. Information sharing and analysis organizations formed solely for the purpose of gathering and analyzing critical infrastructure information and to help prevent, detect, mitigate or recover from the effects of a problem relating to critical infrastructure, will be exempt from antitrust laws. Again, this exemption only applies to the activities specifically undertaken to address infrastructure problems. The antitrust exemption will not apply to conduct that involves or results in an agreement to boycott any person, to allocate a maker, or to fix prices or output.

The threats to our critical infrastructure are varied. Some of those threats are physical; some may come from cyberspace. From wherever they come, the private sector and Government each has different vantage points. It is my hope that this bill will help both entities work together to reduce the blind spot.

I thank Senator KYL for his interest and leadership on this issue.

COMMENDING THE TRUCKING INDUSTRY

Mr. BROWNBACK. Madam President, I rise to speak today in recognition of the noble truck drivers across the Nation. For the past 2 weeks, our truckers have been valiant in their service to this country, delivering important supplies to the attack sites of New York City and Arlington, VA. Many of these truckers have been volunteering time, equipment, and use of their vehicles to supply these areas in efforts of relief, regardless of the escalating gas prices throughout the country. This is a commendable act, as airlines have been shut down and delivery has been severely restricted, truckers have responded to the call of America. I commend the work performed by this industry. We have often heard about those on the front line, but not of those in the shadows, holding part of America's infrastructure intact with their service. I say thank you to the hard-working men and women of the trucking industry who continue to contribute to the relief effort throughout the country.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 25, 1994 in Hollywood, CA. Three men and five juveniles wielding baseball bats and a golf club allegedly assaulted two gay